



THE COMMONWEALTH OF MASSACHUSETTS

**DEPARTMENT OF
TELECOMMUNICATIONS & ENERGY**

Cable Television Division

NOTICE

TO: Interested Persons, CTV 06-1

FROM: Alicia C. Matthews, Director
Cable Television Division

DATE: August 23, 2006

RE: Competitive Franchising Rulemaking, CTV 06-1
Reply Comments

The Cable Television Division has established September 13, 2006, as the date on which reply comments are due in the referenced proceeding. After reviewing the initial written comments received on or about July 14, 2006, and the oral comments provided at the public hearing on August 16, 2006, the Cable Television Division requests additional information on several issues from the respondents identified below. Interested persons also are encouraged to include responses to the following questions with their reply comments.

For Verizon Communications:

1. On average, approximately how long does it take Verizon to build out its fiber to the premises ("FTTP") network in a community in order to be able to provide any FiOS service? For communities in which Verizon has completed its fiber build out, how long does it take to upgrade its network to provide FiOS TV service? Please discuss at what stage in the construction Verizon begins discussions with a community in order to obtain a license to offer video service.
2. In which communities is Verizon currently constructing FTTP? Please identify the communities in which Verizon currently has plans to begin FTTP construction within the next 90 days, and within the next 12 months, respectively. In addition to the foregoing, please indicate the anticipated construction completion dates.

3. In which communities has Verizon completed the FTTP upgrades necessary to offer video service but has not yet obtained a license? In which of these communities has the licensing process been initiated?
4. Has any community in Massachusetts caused a delay in the company's plan to obtain a license by imposing what the company considers an unreasonable license requirement? If so, please identify the community and the nature of the requirement.
5. Who negotiates license terms with municipalities on behalf of Verizon? Do Verizon's negotiators have direct authority to offer final terms that may be included in a license to be executed by Verizon? If not, please describe the steps necessary to authorize proposed term sheets.
6. Please refer to Verizon's initial written comments at page 8, wherein Verizon states that there are a "limited set of factors" that a community may consider in evaluating a license application. Is it Verizon's position that an assessment of cable-related needs and interests is not included within the "limited set of factors" to be reviewed? If not, at what stage and in what manner are those cable-related needs and interests to be considered under the proposed rules?
7. Under the proposed regulations, if the Cable Division were to determine, upon appeal, that an Issuing Authority unreasonably denied an application for a competitive license, what remedy could the Cable Division order?

For Individual Municipalities:¹

1. Who initially reviews cable license applications on behalf of the Issuing Authority in deciding whether to begin the licensing process pursuant to 207 C.M.R. § 3.02(2)? How soon after receipt of the application does this review begin?
2. Has the municipality established a Cable Advisory Committee? Is this a standing committee? When is the committee in session? How often does the

¹The Cable Division requests that persons representing the interests of more than one municipality provide information separately for each individual municipality represented if the information differs between municipalities.

committee meet? What are the terms of its members? Who may serve on the committee? How soon after a cable license application is submitted to the municipality does the Cable Advisory Committee receive application materials and begin its review?

3. Does the municipality have a city solicitor or town counsel? Who represents the municipality in negotiations with the cable license applicant? How soon after a cable license application is submitted to the municipality does the negotiator receive application materials and commence negotiations? Does the negotiator have direct authority to offer final terms that may be included in a license to be executed by the municipality? If not, please describe the steps necessary to authorize proposed term sheets.
4. Is there any period of time wherein a Mayor or Board of Selectmen lacks authority to execute a contract on behalf of the community? For example, during the time after an election and before the newly elected Mayor takes an oath office, may the out-going Mayor execute a cable license? Please describe the circumstances and the duration of the period.
5. Many municipalities commented that 90 days is not sufficient to conduct a review of an initial license application. Please state whether there are any provisions of the current licensing process that may be streamlined and, if so, please identify such provisions.
6. Please provide a typical timeline of all steps necessary to identify the community's cable-related needs and interests and to issue the issuing authority report or request for proposal? Please include intervals between notices and public hearings, as well as the approximate number of days necessary for each step.
7. Please state the date on which the municipality last conducted a review of its cable-related needs and interests. How often is a full review of cable-related needs and interests necessary? Would any of the intervals identified in the timeline in your response to Question 6 change absent a full review of cable-related needs and interest.
8. For communities that have begun the licensing process with Verizon, please provide a detailed timeline of events that have occurred to date. Please provide detail as to when the public hearing is held with respect to the date the proposal was first received.